

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants- Survey and Land Records Deptt- Sri M.A.Basith Qureshi, Ex-Jr.Asst, DMU, R.R. District- Dismissed from service- punishment imposed under section 498-A of IPC by trial court- Acquitted from punishment by Hon'ble High Court- Request for payment of salary- Reinstated from the date of acquittal treating the period out of employment as NOT ON DUTY - Benefits allowed for the service rendered – Orders – Issued.

REVENUE (VIGILANCE.IV(2) DEPARTMENT

G.O.Rt.No. 124,

Dated.28-1-2008

Read the following:-

1. Repn from Sri M.A.Basith Qureshi, Ex-JR.Asst, DMU, Ranga Reddy District. Dt. 21-8-2006.
2. From Commr, SS&LRs, Hyd . D.O.Lr.K2/6672/205. dt. 29-5-2007.
3. Govt.Memo.No.37265/Vig.IV(2)/2006-6.dt:16-11-2007.
4. Explanation from Sri M.A.Basith Qureshi, Ex-Jr.Asst., DMU, R.R.District. dt. 6-2-2008.

O R D E R:

In the reference Ist read above Sri M.A.Basith Qureshi, Ex-Jr Asst, DMU, R.R.District has submitted that he was removed from service by the A.D., S&LRs, R.R.Dist vide Proce.No.G13189/93 dt. 20-12-1993 in view of the Judgement dt. 8-9-1993 of the Hon'ble Addl Chief Metro Politian Magistrate, Hyderabad, Mahila Court, which convicted him for the offences punishable under section 498-A , IPC and imposed sentence of imprisonment for a period of six months and pay a fine of Rs.500/- (Rupees Five Hundred only) whereas, the High Court vide CRC.No.602/1995 dt. 22-12-2000 set-aside the conviction and sentence imposed on the accused and acquitted him of the charges on the ground that the accused husband and wife have come to a settlement in the matter. Accordingly Sri M.A.Basith Qureshi, Ex-Jr.Asst., DMU, R.R.District has requested the Government to sanction and issue the payment of arrears of Salary upto the date of superannuation and pension at an early date.

2. The Commissioner of Survey Settlement and Land Records, Hyderabad in the reference 2nd read above, has stated that after acquittal by the High Court Sri M.A.Basith, Ex-Jr.Asst., DMU, R.R. District has submitted a petition to the Asst., Director, Ranga Reddy District in Febraury,2001 for re-instatement and payment of salary for the period of dismissal, when the petition for reinstatement was under consideration, the individual attained the age of superannuation on 31-1-2002 and requested the Government for passing orders for his payment of salary and settlement of pensionery benefits.

3. Government after careful examination of the matter have decided that Sri M.A.Basith Qureshi, former Jr.Asst., DMU, R.R. District is entitled for re-instatement into service with effect from 22-12-2000 i.e., from the date of the acquittal by the High Court . He is eligible for salary from the said date till his retirement and pensionery benefits for the actual service rendered excluding the out of employment period and he is not entitled to

back wages for the period from 20-10-1993 to 22-12-2000 ie., from the date of dismissal to the date of acquittal by the Hon'ble High Court of Andhra Pradesh and that the period should be treated as spent not on duty, as the acquittal of the individual was only on compromise and not on merits of the case.

4. Accordingly, in the reference 3rd read above, Sri M.A.Basith Qureshi, Ex-Jr.Asst, DMU, R.R.District was directed to show cause as to why the period from 20-10-1993 to 22-10-2000 shall not be treated as Spent NOT ON DUTY.

5. Sri Basith Qureshi, Ex-Jr Asst, DMU, R.R.District has submitted his explanation in the reference 4th read above, and submitted that the acquittal by Hon'ble High Court of A.P., was not on compromise, but on merits of the case. The Hon'ble High Court set-aside the punishment imposed by the Lower Court on the merit of the case, but on the basis of compromise and the accused was not found guilty of the charges framed against him. When the conviction orders were set-aside by the High Court, the dismissal orders which were issued on the sole ground of conviction automatically get nullified, and hence the orders of dismissal, the period of dismissal cannot be treated as Not on Duty, but the period should be treated as on duty and in order to meet principles of Natural Justice.

6. Government after careful examination of the explanation submitted by Sri M.A.Basith Qureshi, Ex-Jr.Asst, DMU, R.R.Dist., have decided and hereby order that the individual is deemed to have been re-instated into service with effect from 22-12-2000 i.e., from the date of acquittal by the High Court of Andhra Pradesh and he is not entitled to back wages for the period from 20-10-1993 to 22-12-2000 i.e, from the date of dismissal to the date of acquittal by the High Court of Andhra Pradesh and that period should be regularized as spent NOT ON DUTY as the acquittal of the individual was only on compromise not on merits of the case. and he is entitled for Salary benefits from the date of acquittal to the date of superannuation and pensionary benefits for the actual service rendered by him excluding the out of employment period (due to dismissal from service on the conviction and punishment imposed by the trial court)

7. The Director of Survey Settlements and Land Records, A.P. Hyderabad shall take necessary action accordingly.

8. This order issues with the concurrence of Fin(F.R.II) Deptt vide their U.O.No.1664/40-FR-II/09 dt. 21-01-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.SAMUEL,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The individual (through Director of Survey Settlements and Land Records, Hyd)
The Director of Survey Settlements and Land Records, Hyd.

Copy to:

The Collector, Hyderabad,
The Director of Treasuries and Accounts, A.P.Hyderabad.
The Accountant General, Andhra Pradesh Hyderabad,
The Finance (Expr.Rev) Department,
Sf/Sc.

//FORWARDED::BYORDER//

SECTION OFFICER